

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNIÓN DEL PUEBLO ENTERO, *et al.*,
Plaintiffs,

v.

THE STATE OF TEXAS, *et al.*,
Defendants.

§
§
§
§
§
§
§

Case No. 5:21-cv-844-XR
[Lead Case]

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNIÓN DEL PUEBLO ENTERO, *et al.*,

Plaintiffs,

v.

GREGORY W. ABBOTT, *et al.*,

Defendants.

Civil Action No. 5:21-cv-844 (XR)
(Consolidated Cases)

UNITED STATES' FIRST SET OF REQUESTS FOR ADMISSION

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, the United States requests that Defendants the State of Texas and John Scott (collectively “Defendants”) answer the following requests for admission by January 13, 2022. These requests are continuing in nature as provided in Rule 26(e) of the Federal Rules of Civil Procedure.

INSTRUCTIONS AND DEFINITIONS

As required by Rule 36(a), if a matter is not admitted, the answer must specifically deny it or state in detail why the answering party cannot truthfully admit or deny it. When good faith requires that a party qualify an answer or deny only part of a matter, the answer must specify the part admitted and qualify or deny the rest.

For purposes of these requests for admission, the following definitions apply:

A. “SB 1” means the Election Integrity Protection Act of 2021, S.B. 1, 87th Legis., 2d Spec. Sess. (Tex. 2021), which amends the Texas Election Code relating to, among other topics, voter assistance, applications for ballots by mail, and mail ballot carrier envelopes.

B. “Assistors” means any individuals assisting a voter under Section 208 of the Voting Rights Act, 52 U.S.C. § 10508, or Chapter 64 of the Texas Election Code.

C. “Mail ballot materials” means mail ballot applications, mail ballot carrier envelopes, mail ballots, and any other items that must be completed, returned, or submitted by a voter in order to qualify for, receive, or cast a mail ballot.

D. “Identification document number” means numbers associated with a Texas driver license, a Texas election identification certificate, or a personal identification card issued by the Texas Department of Public Safety.

REQUESTS FOR ADMISSION

1. Admit that after the November 2020 election, Texas Elections Director Keith Ingram stated that “Texas had an election that was smooth and secure.” *See* Exhibit A.

2. Admit that prior to the enactment of SB 1, the Texas Secretary of State’s webpage for annual seminar presentation materials contained guidance for election administrators that directed assistors to “be prepared to read or explain all ballot choices or questions in a language the voter understands.” *See* Exhibit B at 16.

3. Admit that prior to the enactment of SB 1, Texas poll worker training materials directed election officials to “[r]ely on the voter as the ‘expert’” and to “ask them what you can do to best assist them.” *See* Exhibit C at 10.

4. Admit that the Texas Election Code, as amended by SB 1, bars assistors from answering voters’ questions while providing assistance by any means other than “reading the ballot to the voter, directing the voter to read the ballot, marking the voter’s ballot, or directing the voter to mark the ballot.” SB 1 § 6.04 (codified at Section 64.034 of the Texas Election Code).

5. Admit that the Texas Election Code, as amended by SB 1, bars assistants from explaining the voting process while providing assistance, even when asked to do so. *See* SB 1 § 6.04 (codified at Section 64.034 of the Texas Election Code).

6. Admit that the Texas Election Code, as amended by SB 1, bars assistants from paraphrasing or explaining ballot language to a voter while providing assistance, even when asked to do so. *See* SB 1 § 6.04 (codified at Section 64.034 of the Texas Election Code).

7. Admit that the Texas Election Code, as amended by SB 1, bars assistants from clarifying translation or interpretation of ballot language while providing assistance, even when asked to do so. *See* SB 1 § 6.04 (codified at Section 64.034 of the Texas Election Code).

8. Admit that mail ballot materials submitted by absent uniformed services voters and overseas voters, as defined by the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20310, are subject to and in no way excluded from the requirements of Section 5.07 of SB 1 (codified at Section § 86.001 of the Texas Election Code) and 5.13 of SB 1 (codified at Section 87.041 of the Texas Election Code).

9. Admit that SB 1 did not change the qualifications under Texas law to vote in federal, state, or local elections. *See* Tex. Elec. Code §§ 11.001, 11.002.

10. Admit that before enactment of SB 1, Texas law provided that the mail ballot application contained elements sufficient under Texas law to identify a registered voter and establish that the voter is qualified to cast a mail ballot. *See* Exhibit D.

11. Admit that under Texas law, election officials must accept mail ballot applications that include a last name different from the last name on the voter's application for voter registration, so long as officials can confirm that the applicant is a registered voter in the jurisdiction. *See* Exhibit E at 31.

12. Admit that under Texas law, election officials must accept mail ballot applications that include an address different from the address on the voter's application for voter registration, so long as the new address is within the jurisdiction of the same voter registrar. *See* Exhibit E at 30.

13. Admit that under SB 1, any voter who has been issued a Texas driver license, personal identification card, or election identification certificate must provide the number of that document on mail ballot materials, rather than a partial social security number. *See* SB 1 § 5.02 (codified at Section 84.002 of the Texas Election Code); SB 1 § 5.08 (codified at Section 86.002 of the Texas Election Code).

14. Admit that Texas first allowed residents to apply for voter registration using an identification document number on January 1, 2004. *See* Tex. H.B. 1549, 78th Legis. § 1 (2003); *see also* Tex. Elec. Code § 13.002(c)(8)(A).

15. Admit that under SB 1, even if an early voting clerk is able to identify a registered voter based on the information provided on mail ballot materials, the early voting clerk must reject those materials if the identification document number on the mail ballot materials do not match the number on the voter's application for voter registration. *See* SB 1 § 5.07 (codified at Section 86.001 of the Texas Election Code).

16. Admit that even after enactment of SB 1, the Texas Election Code continues to require that if an applicant provides a date of birth, Texas driver license number, or social security number on the mail ballot application that is different from the information maintained by the voter registrar, the early voting clerk must notify the voter registrar, and the voter registrar must update the voter's record with the information provided by the applicant. *See* Tex. Elec. Code § 84.014.

Date: December 14, 2021

KRISTEN CLARKE
Assistant Attorney General

PAMELA S. KARLAN
Principal Deputy Assistant Attorney General
Civil Rights Division

/s/ Jennifer Yun
T. CHRISTIAN HERREN, JR.
RICHARD A. DELLHEIM
DANIEL J. FREEMAN
DANA PAIKOWSKY
MICHAEL E. STEWART
JENNIFER YUN
Attorneys, Voting Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530
Phone: (202) 307-2767
jennifer.yun@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2021, I served a true and correct copy of the foregoing via electronic mail on all counsel of record.

/s/ Jennifer Yun
Jennifer Yun
Voting Section
Civil Rights Division
U.S. Department of Justice
jennifer.yun@usdoj.gov

EXHIBIT A

KTPD 89.3 FM in Del Rio is currently on low power.



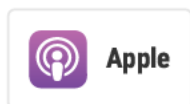
Texas Matters

Texas Matters: The Future Is The Past When Voting In Texas

Published March 6, 2021 at 7:16 PM CST

LISTEN • 29:01

Ways To Subscribe



KSTX

Here and Now



David Martin Davies /

On Thursday, the Texas Legislative Committee on Elections met for the first time in the new legislative session. The committee chairman is Rep. Briscoe Cain, a Republican who represents District 128 in the Houston region. Cain made news when he joined pro-Trump efforts in Pennsylvania to reverse the election results there. Now he's in charge of crafting new elections laws in Texas. He set the tone for the committee, asking for cooperation by quoting a cult classic movie.

"Because this is a passionate subject I ask that we keep the rules of decorum in mind and make this about policy and not personality. Be respectful to each other and to the witnesses. Essentially be excellent to each other, as the great Bill Preston once said while on his excellent adventure with Ted Logan," Cain said.

In committee testimony Keith Ingram from the Texas secretary of state's office said they have no evidence of anyone having trouble voting in 2020.

"I'm happy to report that Texas elections are in good shape. Last year was very challenging in a number of respects. Obviously presidential elections have the largest turn outs and the most difficult elections that we do. In any ordinary year a presidential election would be a big deal with high turnout and much scrutiny. However, in 2020 there was the added complication of a global pandemic with which election officials

"The elections in Texas last year were a success. The governor extended early voting by a week to spread out voters. And this resulted in, as well as the high level of interest on part of the voters, 87% of voters last year voted early. Notwithstanding the extraordinary turnout, the counties reported their results earlier than normal. In spite of all the circumstances, Texas had an election that was smooth and secure. Texans can be justifiably proud of the hard work and creativity shown by local county elections officials," he said.

Much of the testimony was focused on how the attorney general's office is dealing with voter fraud and how that's become a high priority issue. According the John Reno from the AG's office, in 2019 there were 27 cases opened for voter fraud. In 2020 that jumped to 307. There are about 500 cases pending, and about two thirds of them are related to mail in ballot fraud.

"Part of that may be because we are continuing to get better at investigating and prosecuting those cases. But what we are also seeing, and I think this is important as well, is that the ratio of number of bad actors or defendants to the number of charges that are filed has increased. There used to be more of a one-to-one ratio. It used to have one bad actor, one crime, one offense. What we are seeing now is you have multiple bad actors [and] several more offenses being committed. These investigations are becoming more complex [as] the bad actors who are committing them or continuing to figure out new and different ways to violate election criminal laws," Reno said.

The Texas League of Women Voters is monitoring the elections committee hearing and watching bills filed dealing with voting in Texas this session. Cinde Weatherby is the Voting Rights Election Law Issue chair. She explained what changes to Texas elections we can expect from this legislative session.

On Friday, Attorney General Ken Paxton announced he is warning U.S. House and Senate leaders of constitutional deficiencies within H.R. 1, the For the People Act of 2021, which would expand voting protections across the nation.

In a letter, Paxton stated that under both the Elections Clause of Article I of the Constitution and the Electors Clause of Article II, states have principal responsibility to safeguard elections.

Paxton wrote should HR 1 become law, he will use every possible resource to protect Texas elections, state sovereignty, and the rights of all Texans.

However the 15th Amendment says “the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.” And “the Congress shall have power to enforce this article by appropriate legislation.”

Voter intimidation

In the 2020 presidential election, loud and proud pro-Trump voters became an almost common sight on Texas roads. These so called “Trump Trains” were organized caravans of vehicles, mostly trucks, festooned with Trump flags and other pro-Trump regalia. There were many reports of these Trump Trains being more than a nuisance. At times they were threats to public safety. Now, months later, the question is where did enthusiastic grass roots campaigning stop and where did election intimidation begin?

This week the Texas Civil Rights Project documented instances when Trump Trains in Bexar County on Election Day surrounded polling places, sometimes blocking the entrances and exits to the sites and made voters standing in line outside uncomfortable.

In Fort Bend, a Trump Train that included military style trucks, loud speakers, a bull horn and a coffin were gathered in the parking lot of a polling location.

These instances and others are cataloged in the report "[Voter Intimidation in Texas during the 2020 General Election](#)." Emma Hilbert is a lawyer with the Texas Civil Rights Project and helped compile the report.

TPR was founded by and is supported by our community. If you value our commitment to the highest standards of responsible journalism and are able to do so, please consider making your [gift of support today](#).

Tags[Texas Matters](#)[Trump Trains](#)[2020 Election](#)[Voting](#)

KSTX

Here and Now

Stay Connected



More Episodes

How 'Build Back Better' could boost clean energy in Texas

LISTEN • 28:59

A code of silence protects federal judges from accountability

LISTEN • 29:00

Challenging the myths and exploring the reality of cattle drive cowboys

LISTEN • 29:56

Democrat Matthew Dowd takes on history and power in his quest to become Texas lieutenant governor

LISTEN • 28:59

Could Texas really be the future of America?

LISTEN • 28:59

More Podcasts



Demented

KSTX

Here and Now



Worth Repeating



Fire Triangle

Hosted by Dominic Anthony Walsh



The Shakeout

Hosted by Paul Flahive



Book Public

Hosted by Yvette Benavides



Petrie Dish

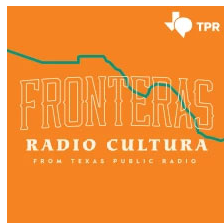
Hosted by Bonnie Petrie



TPR Takes On: Fiesta

KSTX

Here and Now



Fronteras

Hosted by Norma Martinez



The Source

Hosted by David Martin Davies

Stay Connected

© 2020 Texas Public Radio

[About Us](#)

[Employment](#)

[Contact Us](#)

[TPR Brand Toolkit](#)

[Privacy Policy](#)

[Financial Reports](#)

[Public Inspection Files](#)

[EEO Public File](#)

[KSTX](#)

Here and Now

Diversity Statement

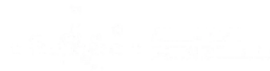


EXHIBIT B

Texas Election Administrators Guide to Working with Voters with Disabilities

March 2013



Table of Contents

Introduction	3
About Disability Rights Texas	4
Voting Laws That Apply to People with Disabilities	5
Voting Rights of a Person with a Disability	6
Poll Site Accessibility	7
Department of Justice Polling Place Accessibility Survey	9
Accessibility Accommodations and Modifications	10
Etiquette towards Voters with Disabilities	12
General Guidelines	12
People First Language	12
Assistance and Communication Guidelines Based on	
Disability Type	14
Assistance While Voting	16
Alternative Voting Assistance	17
Voting Device Accessibility	19
Election Administrator Resources	22

Introduction

An election administrator must be **efficient problem solver**, making decisions sometimes “on the fly” that determine whether or not an individual’s vote can be counted. An election administrator must be **organized, diplomatic and fair** in the administration of elections.

Election Administrators must meet the challenge of serving the needs of a diverse community, including individuals with disabilities, who often face barriers to voting that require extra vigilance to ensure equal access to voting.

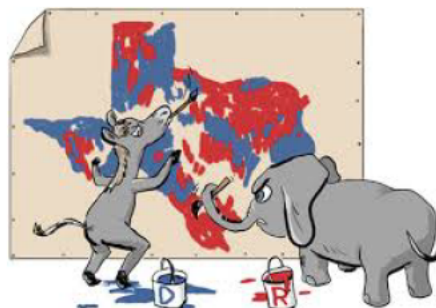
People with disabilities have the same right to vote as all other U.S. citizens and Texas residents who are over 18 years old.

Accessibility, however, can be a barrier for many of these individuals.

Election administrators play an important role in ensuring accessibility and access to voting for individuals with disabilities through:

- 1) understanding voting issues surrounding people with disabilities,,
- 2) ensuring accessibility of the polling place, and
- 3) ensuring accessibility of the voting equipment.

This manual is broken up into the above three categories and will provide a brief overview of each area.



About Disability Rights Texas

Disability Rights Texas is the legal protection and advocacy (P&A) agency for people with disabilities in Texas, our mission is to help people with disabilities understand and exercise their rights under the law, ensuring their full and equal participation in society. The Help America Vote Act (HAVA) of 2002 provided funds to each state's P&A "to ensure the full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote, and accessing polling places." To achieve this objective, our agency provides training and technical support to county election officials, individuals with disabilities, and policy makers.

Services that Disability Rights Texas' HAVA Program Provides:

- **Poll Worker Training**
 - We offer assistance and training to poll workers regarding proper etiquette when interacting with voters with disabilities and provide accessibility answers.
- **Pre-Screening of Polling Places for Physical Accessibility**
 - Provide pre-screening of potentially inaccessible polling places to identify accessibility problems and provide practical technical support in understanding the most cost-effective way to ensure access to voters with disabilities. We can also train your election officials on how they can survey polling places themselves.
- **Hotline for Voters with Disabilities and Poll Workers: 1-888-796-VOTE (8683)**

Our services are free of charge and designed to make voting a pleasant experience for voters with disabilities and to also help election officials be successful. If you are interested in any of our services, please contact the HAVA Training and Technical Support Specialist at 1-888-796-VOTE (8683) or vote@drtx.org.

Voting Laws That Apply to People with Disabilities

- **Voting Rights Act 1965 (amended 1982)**

This law requires that persons who are blind or otherwise disabled "may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or agent of the voter's union"

- **Voting Accessibility for the Elderly and Handicapped (1984)**

This law requires that polling places across America be physically accessible for persons with disabilities. Pathways must be free of obstruction, passages must be wide enough to allow access for a wheelchair, and signs must be posted at a height to allow for a person using a wheelchair to read it. Each polling site must have an easily accessible voting booth that will accommodate a wheelchair user.

- **Title II of the Americans with Disabilities Act (ADA)(1990)**

This law requires that all public entities make "reasonable modifications to rules, policies, or practices" to ensure nondiscrimination in the programs, services, and activities of state and local governments." The Act protects qualified individuals with disabilities, who are defined as persons who "with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, [meet] the essential eligibility requirements" of the program, service or activity.

- **Help America Vote Act (HAVA) (2002)**

Among other provisions, HAVA provides funds to state and local governments for making polling places and voting systems accessible to all, including people with disabilities. The law aims for elections to be conducted "in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters."

Voting Rights of a Person with a Disability

Eligibility to Vote

Any United States citizen residing in Texas who:

- Is at least 18 years old on Election Day
- Has not been convicted of a felony, or if a prior felon, has completed all punishment (including any term of incarceration, parole, supervision, or period of probation), or has received a pardon
- Has not had their right to vote removed by a judge in a guardianship hearing.

Voting Rights

People with disabilities have the right:

- to vote by themselves and make their own choices.
- to get help from a person of their choice or an election worker.
- to a physically accessible polling place and the use of an accessible voting machine.
- to be treated in the same way as all other voters. If the voter is properly registered, **it is not legal for anyone to question or challenge the voter's registration qualification or competence to vote.**

Polling Site Accessibility

Polling place accessibility compliance is mandatory. The placement of the modifications must be maintained at all times.

This is a basic guide to accessibility to assist in identifying barriers and potential solutions to ensure access to voters with disabilities. Election officials should try to select fully accessible polling places and conduct the full Department of Justice accessibility survey. A link will be provided at the end of this section to Department of Justice's Accessibility Survey.

Parking and Drop-Off Areas

- If parking is provided, at least one accessible parking spot that is nearest to the accessible entrance must be provided for every 25 regular parking spaces.
- The first accessible spot should be van accessible with an access aisle at least 8 feet wide.
- Accessible parking spots should be relatively level and not have loose gravel or dirt.
- If drop-off area is provided, it should be level and have an access aisle that is at least 5 feet deep and 20 feet long where people can access entrance (near ramp if necessary).

Paths of Travel

- There must be an accessible path from parking spot to entrance and voting area.
- Path must be at least 36 inches wide and free of steps or level changes more than ½ inch.
- If accessible path crosses traffic, a marked crosswalk should be used.
- Where path crosses curb, a curb cut or temporary ramp should be used.
- Ramps can't be steep. For every 1 inch high, a ramp must be at least 12 inches long.

Preventing Obstructions for Voters Who are Blind or Have Low Vision

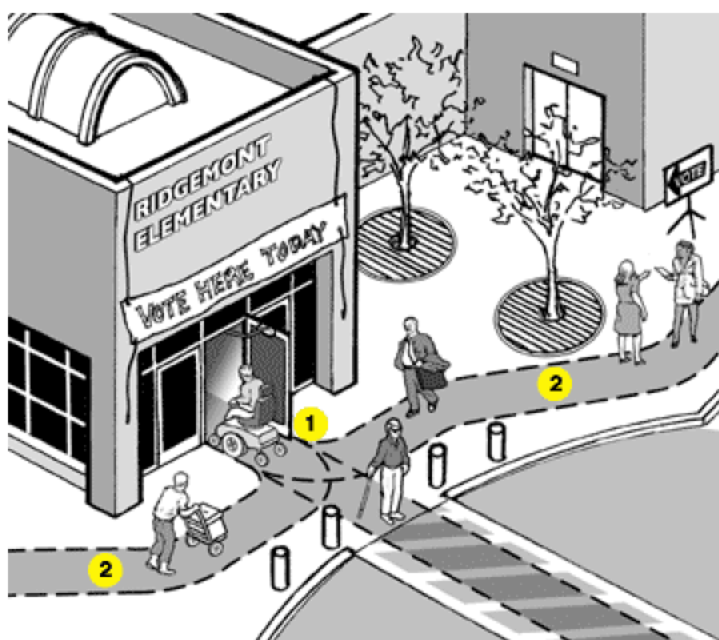
- People who are blind can easily run into objects that hang from above (like tree limbs), are open beneath (like staircases), or protrude from the side (like trophy cases).

Entrance to Polling Place and Voting Area

- Doorways must be at least 32 inches wide.
- Threshold must not be more than $\frac{3}{4}$ inches high at door and must be beveled on each side.
- No heavy doors.
- No slick, round door handles.

Voting Area

- An accessible voting machine on a wheelchair accessible booth should be located along an accessible path in a location that ensures privacy.



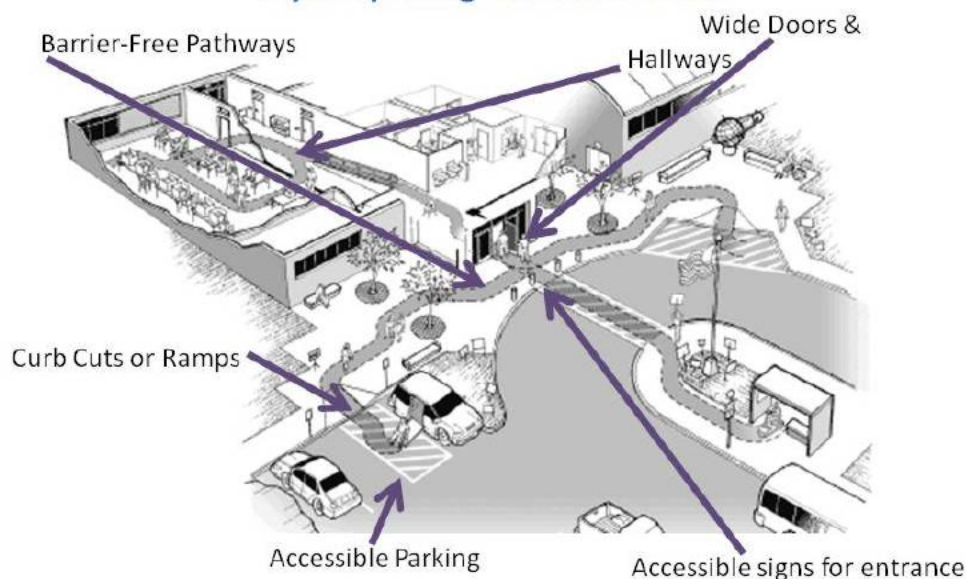
Department of Justice Polling Place Accessibility Survey

This 39-page checklist, downloadable through the web, is a self-help survey that voting officials can use to determine whether a polling place has basic accessible features needed by most voters with disabilities.

<http://www.ada.gov/votingck.htm>

You may also contact Disability Rights Texas to conduct polling place accessibility trainings at no cost for poll workers and/or have a Disability Rights Texas HAVA staff conduct a polling place accessibility survey at no cost. You may reach Disability Rights Texas at 1-888-796-VOTE (8683) or vote@DRTx.org.

Is your polling site accessible?

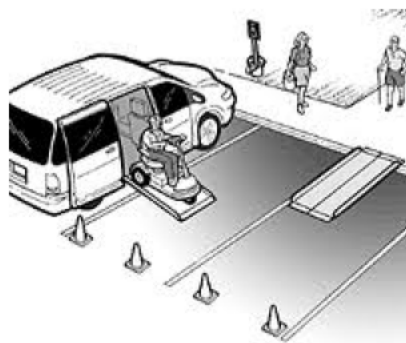


Accessibility Accommodations and Modifications

Each precinct should be provided with a list of equipment with instructions for any modifications that are required in order to bring the polling place into compliance with the Department of Justice and the State polling place accessibility regulations.

Cones and signs –to create an accessible parking space.

They must be placed in the parking area closest to the accessible polling place entrance.



Threshold ramp(s) – to ramp a rise, bump, or gap along the path of travel from parking to the entrance.

The polling place has been surveyed and determined to need a small ramp somewhere on the path of travel from the accessible parking to the voting area in order to provide an unbroken surface for a wheelchair or scooter user to navigate. Place the threshold cover at the area needing a ramp.



Extra arrows and signs- to direct voters to accessible parking, pathways or entrances or to direct voters according to the need as indicated on the sign.



Etiquette Towards Voters with Disabilities

Polling officials may need to train poll workers who feel uncertain about how to best assist people with disabilities when they vote. They might worry that they will say or do the wrong thing. However, if they simply use **courtesy** and **common sense** when interacting with people with disabilities, they can help ensure their voting experience is a positive one.

General Guidelines

Be respectful. Use common sense. Voters with disabilities want to be treated the same way as everyone else. Show them the same respect you would give every other voter.

Just ask. Don't be afraid to offer assistance, but don't automatically give assistance unless the person has requested it or consented.

Communicate with the person. Some voters with disabilities may have an assistant, interpreter, or friend with them. Always look and speak directly to the voter, not to their companion.

Respect the person's privacy. Refrain from asking questions that would otherwise be inappropriate to ask any other voter.

Don't feel pressured. Don't feel as if you need to know everything and do everything perfectly. This guide was developed so you will have a reference guide on Election Day to refer to.

People First Language

When writing and speaking about people with disabilities, it is important to put the person first. Person first language empowers, demonstrates individuality, equality, and dignity towards individuals with disability.

Listed below are some suggestions on how to relate to and communicate with and about individuals with disabilities.

Affirmative Phrases	Negative Phrases
Person with an intellectual, cognitive, or developmental disability	Retarded; mentally challenged
Person who is blind; person who is visually impaired	The blind
Person with a disability	The disabled; handicapped
Person who is Deaf or hard of hearing.	The deaf; deaf and dumb; a person who suffers from hearing loss
Person who has multiple sclerosis	Afflicted with MS
Person with cerebral palsy	CP victim
Person with epilepsy; person with seizure disorder	Epileptic
Person who uses a wheelchair	Confined or bound to a wheelchair
Person with a physical disability; physically disabled	Crippled; lame; deformed
Unable to speak; uses synthetic speech	Dumb; mute
Person with a psychiatric disability	Crazy; nuts
Person who is successful; productive	Has overcome his/her disability; is courageous; inspiration (when it applies the person has courage or displays inspiration due to their disability)



Assistance and Communication Guidelines Based on Disability Type

Some tips polling officials can provide to poll workers interacting with voters with various types of disabilities includes:

Assisting Voters who are Deaf or Hard of Hearing

Look directly at the individual, face the light, speak clearly in a normal tone of voice, and keep your hands away from your face. (If the voter uses an interpreter, speak directly to the voter, not the interpreter.)

Lightly tap the voter's shoulder or wave to get their attention.

Be prepared to communicate with notes if that is the voters preference.

Assisting Voters who are Blind or Visually Impaired

Greet the voter, identify yourself, and offer to tell the voter how the polling place is arranged. Ask if and how you can assist.

If asked to guide, let the voter take your arm; you can walk slightly ahead.

Do not pet or talk to a guide animal.

Assisting Voters with Mobility Impairments

Ask before providing assistance. The voter may choose not to receive assistance.

Never move, touch, push, or lean on a voter's walker, cane, wheelchair or other mobility device without asking first.

If possible, put yourself at the voter's eye level.

Assisting Voters with Speech Impairments

Be patient. Wait for the voter to complete each sentence. Do not interrupt.

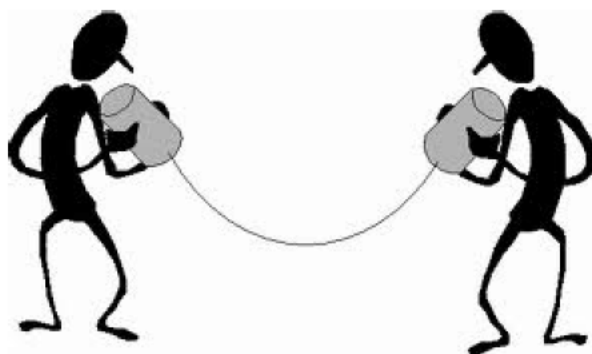
If you do not understand the voter ask them to repeat what they said, also try asking short questions that require yes or no responses. Repeat back what you think they said.

If you are still having a hard time understanding the voter, ask if writing would be an acceptable means to communicate.

Assisting Voters with Cognitive Disabilities

Use words and pictures to guide voters with what you are trying to communicate, be prepared to repeat what you say and explain technical terms.

Take time to understand the voter and make sure he or she understands you.



Assistance While Voting

Federal law gives voters with disabilities the right to decide whether to get assistance in casting a ballot and who will provide it. Ask the voter what assistance you may provide, but do not pressure the voter to accept your help.

The person providing assistance to the voter **MAY** assist with voting in the following ways:

The assistant should ask the voter what choice he or she wants to make. The assistant should never make assumptions about how a person wants to vote!

The assistant must respect the voters privacy during the voting process.

The assistant should be familiar with instructions on how to cast a ballot and be prepared to explain them to the voter and/or demonstrate the voting process.

The assistant should be prepared to read or explain all ballot choices or questions in a language the voter understands.

The assistant may mark a ballot for a voter with a disability only if the voter has directed him or her to do so.

After the ballot has been completed, the assistant should make sure that it accurately reflects the voter's choices. The assistant should offer to correct any mistakes and to check the ballot for any election contests or questions that may have been missed.

The person assisting the voter **MAY NOT**:

Make decisions for the voter.

Communicate with the voter in a way that makes the voter feel forced to make certain choices.

Pressure the voter to vote for a particular candidate or in a certain way.

Withhold information or giving false information to a voter.

Pressure the voter to cast a vote on every measure or candidate.

Reveal to others how the individual voted.

Alternative Voting Assistance

Curbside Voting. If a person with a disability is unable to enter the polling place for whatever reason, he/she is to be assisted according to the following procedures:

When voting curbside, the law says “an election officer shall deliver a ballot to the voter at the polling place entrance or curb” and allows “regular voting procedures” to “be modified by the election officer to the extent necessary to conduct voting under this section.” Many accessible voting machines are portable and have battery packs where they can be taken to the curbside as well. Curbside voting is offered during early voting and Election Day.

Provisional Ballot. While a poll worker cannot question or determine a person’s competency to vote, when there are questions surrounding eligibility a poll worker can have the person cast a provisional

ballot that will be counted once election officials determine the voter to be eligible.



Voting Device Accessibility

As a general rule, a county or a political subdivision must provide one accessible voting machine in each early voting and election day polling place. Tex. Elec. Code Ann. § 61.012(a)(1)(C). However, **for all elections in which a federal office is not on the ballot**, a county or a political subdivision located within a county with a population described below may be able to obtain an exception from the general requirement of providing one accessible voting machine in each polling place.

NOTE: Population is determined by the most recent (2010) Federal Census numbers.

1. Counties with a population of **less than 2,000** are exempt from the requirement of providing accessible electronic voting systems. Political subdivisions located in a county with a population of **less than 2,000** are exempt from the requirement of providing accessible electronic voting systems.

However, a voter with a disability may request a reasonable accommodation by the 21st day before election day with the early voting clerk. A reasonable accommodation may include providing an audio tape of the ballot for the voter or a template which lays over the ballot and allows a voter with visual impairment to vote independently and in privacy.

2. Counties with a population of **2,000 or more but less than 5,000** must provide at least one accessible electronic voting system on election day. Political subdivisions **located in a county** with a population of **2,000 or more but less than 5,000** must provide at least one accessible electronic voting system on election day.
3. Counties with a population of **5,000 or more but less than 10,000** must provide at least one accessible electronic voting system on election day and during the period for early voting by personal appearance. Political subdivisions **located in a county** with a population of **5,000 or more but less than 10,000** must provide at least one electronic voting system on election day and during the period for early voting by personal appearance. The logical location would be the main early voting clerk's office on election day and the main early voting polling place during early voting.
4. Counties with a population of **10,000 or more but less than 20,000** may provide fewer accessible voting stations (than one per early voting and election day polling place) if they comply with the requirements set out below. Political subdivisions **located in a county** with a population of **10,000 or more but less than 20,000** may provide fewer accessible voting stations if they comply with the following:
 - Submit an Application of Undue Burden Status to the Secretary of State showing that compliance with Section 61.012(a)(1)(C) would cause an undue burden on the political subdivision by

increasing the costs associated with the election by at least 25% as compared to the costs of the last general election held by the subdivision before January 1, 2006.

- An application must be submitted to the Secretary of States office **no later** than the 90th day before the date of the election for which the subdivision seeks relief.
- If the application is approved, the entity will provide:
 - At least one accessible electronic voting system on election day and during the period of early voting by personal appearance; and
 - If the subdivision has branch early voting locations, one mobile accessible electronic voting system to be deployed at least once to each branch early voting polling place.
- **A county or political subdivision is required to submit an Application for Undue Burden Status only if it falls under category #4.**

If your political subdivision is located in more than one county and you fall into one of the 4 categories above, you may choose to be considered located in the county that contains the greatest number of registered voters of your subdivision or for each portion of your subdivision located in a different county, to be considered as a separate subdivision.

NOTE: All political subdivisions desiring to reduce the number of electronic accessible voting systems must:

1. file a written **notice** with the Secretary of State's office stating which exemption they seek to utilize or submit an Application of Undue Burden Status no later than 90 days prior to election day;

2. **publish** notice in a newspaper of general circulation not later than the 15th day before the start of early voting by personal appearance of the location of each polling place that will contain the electronic voting system (if applicable); and
3. **preclear** such change with the U.S. Department of Justice.

The Secretary of State has created the Application of Undue Burden Status, a sample Notice of Exemption, and instructions for counties and other political subdivisions which can be accessed on their website or by contacting their office for a copy. Please note that if your entity falls under the applicable provisions for this reduction or will be taking advantage of the exemption (less than 2,000 in population), the deadline to submit an application (or notice of exemption or reduction) is the 90th day before Election Day. You are not required to use the form prescribed by the Secretary of State's office. For more information, please contact the Elections Division at 1-800-252-VOTE(8683).

Election Administrator Resources

We want you to feel confident about ensuring access to everyone during Election Day. If you have any additional questions, please do not hesitate to contact the following individuals:

Disability Rights Texas
2222 West Braker Lane
Austin, TX 78758
1-888-796-VOTE (8683)
1-866-362-2851 (video phone)
VOTE@DRTx.org

Texas Secretary of State
Elections Division
Secretary of State
P.O. Box 12060
Austin, TX 78711
1.800.252.VOTE (8683)
elections@sos.state.tx.us

Texas Election Code

<http://www.statutes.legis.state.tx.us/?link=EL>

Voting Systems

<http://www.sos.state.tx.us/elections/laws/votingsystems.shtml>

National Disability Rights Network

<http://www.ndrn.org/issues/voting>

U.S. Election Assistance Commission

www.eac.gov

Disability Rights Texas' goal is to make materials understandable by and useful to the general public. If you have suggestions on how this training manual can be improved, please contact Disability Rights Texas at info@disabilityrightstx.org. Thank you for your assistance. This handout is available in Braille and/or on audio tape upon request. Disability Rights Texas strives to update its materials on an annual basis, and this handout is based upon the law at the time it was written. The law changes frequently and is subject to various interpretations by different courts. Future changes in the law may make some information in this handout inaccurate. The handout is not intended to and does not replace an attorney's advice or assistance based on your particular situation.

**Disability Rights Texas
2222 West Braker Lane
Austin, TX 78758
1-888-796-VOTE (8683)
1-866-362-2851 (video phone)
VOTE@DRTx.org**

Funded by the Help America Vote Act of 2002

EXHIBIT C



Voters with Disabilities: Poll Worker Training

Kristen E. Jones
HAVA Training and Technical Support Specialist

DisabilityRights
TEXAS

Updated October 2013 – HA21

Agenda

- ▶ Overview of disability
- ▶ Disability Etiquette
- ▶ Issues and How to Handle Them
- ▶ Questions

Important Disability Facts

- ▶ 1 in 5 people have a disability.
- ▶ Definition: physical, mental, or sensory condition that limits major activities of daily living – walking, talking, seeing, hearing, concentrating, etc.
- ▶ Some disabilities are hidden (i.e., autism, mental illness, PTSD, chronic fatigue, cancer)
- ▶ People with disabilities represent 15% of the voting population.

Important Facts About Voters with Disabilities

- ▶ Voters with disabilities have rights under the Help America Vote Act (HAVA) and the Americans with Disabilities Act (ADA) to be treated in a non-discriminatory way and to receive reasonable accommodations in voting.

Examples:

- ▶ To vote independently and privately.
- ▶ To have their polling place be physically accessible and free of barriers.
- ▶ To have access to an accessible voting booth.
- ▶ To receive assistance/support from a person of their choice or a poll worker.
- ▶ To be accompanied by a service animal.
- ▶ To be treated with respect and courteously.

By law, you may not ask a voter what the nature of their disability is!



General Guidelines When Working with a Voter with a Disability

- ▶ Be respectful.
- ▶ Just ask.
- ▶ Communicate with the person.
- ▶ Respect the person's privacy.
- ▶ Don't feel pressured.

Other helpful tips:

Always ask if the person would like any assistance, accept the idea that they may decline.

Do not touch/move a person's mobility device.

Look and speak to the person not their companion/interpreter.

Do not pity or tell them they are inspirational.

Treat them the same as any other voter!

Person First Language

Person First Language is the preferred method of talking about or speaking to a person with a disability.

- ▶ A person who uses a wheelchair.
- ▶ A person with an intellectual disability.
- ▶ A person who is blind/visually impaired
- ▶ A person who is deaf/hard of hearing

People with disabilities have various abilities and capabilities. Avoid making generalizations or assumptions about their level of functioning.

Voter Assistance for Voters with Disabilities

- ▶ A voter with a disability may **choose** to have a person of their choice or a poll worker to support or interpret for them.
- ▶ The **voter** must make a noticeable request that they need assistance due to a disability.
- ▶ Assistance may be obtained to enter the voting booth, use the equipment, read the ballot, mark the ballot, and exit the polling booth.

Always ask if additional assistance is needed, even if the voter has a support person or interpreter.



Issues and How to Handle Them: Scenarios

- ▶ A man who is blind and using a white cane; accompanied by a friend who will assist him in identifying the ballot items.
- ▶ A woman with hearing aids who cannot understand what you are saying.
- ▶ A man who is unsteady on his feet, has speech that is difficult to understand.

Scenarios Continued.

- ▶ A woman with no visible disability who claims that her dog is a service animal for people with disabilities.
- ▶ A woman who says that the perfume worn by other people in line is making her faint.
- ▶ A person with a service dog which is barking constantly and jumping on friendly people in line to vote.

Things to Remember!

- ▶ Focus on reasonable, doable solutions delivered in a responsive, courteous manner.
- ▶ Rely on the voter as the “expert.” If an issue you are unfamiliar with arises, ask them what you can do to best assist them.
- ▶ Make every effort to ensure your voting area is set up in an accessible manner and remains free of barriers during voting hours.
- ▶ It is not up to you to determine a persons registration qualifications or competence to vote.
- ▶ Make every effort to not embarrass a voter with a disability.

Questions



For more information or other questions contact:

Disability Rights Texas
Voter Rights Hotline
1-888-796-VOTE (8683)
VOTE@DRTx.org

www.disabilityrightstx.org

EXHIBIT D

Application for Ballot by Mail

Prescribed by the Office of the Secretary of State of Texas
A5-15 12/17For Official Use Only
VUID #, County Election Precinct #,
Statement of Residence, etc.

1	Last Name (Please print information)	Suffix (Jr., Sr., III, etc)	First Name	Middle Initial
2	Residence Address: See back of this application for instructions.		City	,TX ZIP Code
3	Mail my ballot to: If mailing address differs from residence address, please complete Box # 7.		City	State ZIP Code

4	Date of Birth (mm/dd/yyyy) (Optional) <div style="display: flex; justify-content: space-around;"> <div><div></div><div></div><div></div><div></div></div> <div><div></div><div></div><div></div><div></div></div> <div><div></div><div></div><div></div><div></div></div> <div><div></div><div></div><div></div><div></div></div> </div>	Contact Information (Optional)* Please list phone number <u>and/or</u> email address: * Used in case our office has questions.
---	---	--

5	Reason for Voting by Mail: <input type="checkbox"/> 65 years of age or older. (Complete Box #6a) <input type="checkbox"/> Disability. (Complete Box #6a) <input type="checkbox"/> Expected absence from the county. (Complete Box #6b and Box #8) You will receive a ballot for the upcoming election <u>only</u> <input type="checkbox"/> Confinement in jail. (Complete Box #6b) You will receive a ballot for the upcoming election <u>only</u>	7 If you are requesting this ballot be mailed to a different address (other than residence), indicate where the ballot will be mailed. See reverse for instructions. <input type="checkbox"/> Mailing Address as listed on my voter registration certificate <input type="checkbox"/> Nursing home, assisted living facility, or long term care facility <input type="checkbox"/> Hospital <input type="checkbox"/> Retirement Center <input type="checkbox"/> Address of the jail <input type="checkbox"/> Relative; relationship _____ <input type="checkbox"/> Address outside the county (see Box #8)
---	--	--

6a	ONLY Voters 65 Years of Age or Older or Voters with a Disability: If applying for one election, select appropriate box. If applying once for elections in the calendar year, select "Annual Application." <input type="checkbox"/> Annual Application <div style="display: flex; justify-content: space-between;"> <div> <u>Uniform and Other Elections:</u> <input type="checkbox"/> May Election <input type="checkbox"/> November Election <input type="checkbox"/> Other ____ </div> <div> <u>Primary Elections:</u> You must declare <u>one</u> political party to vote in a primary: <input type="checkbox"/> Democratic Primary <input type="checkbox"/> Republican Primary </div> </div> <input type="checkbox"/> Any Resulting Runoff	8 If you selected "expected absence from the county," see reverse for instructions <div style="display: flex; justify-content: space-around;"> <div><div></div><div></div><div></div><div></div></div> <div><div></div><div></div><div></div><div></div></div> <div>—</div> <div><div></div><div></div><div></div><div></div></div> <div><div></div><div></div><div></div><div></div></div> </div> Date you can begin to receive mail at this address Date of return to residence address
	9 Voters may submit a completed, signed, and scanned application to the Early Voting Clerk at: _____ (early voting clerk's e-mail address) (early voting clerk's fax) NOTE: If you fax or e-mail this form, please be aware that you must also <u>mail</u> the form to the early voting clerk within four business days. See "Submitting Application" on the back of this form for additional information.	

6b	ONLY Voters Absent from County or Voters Confined in Jail: You may only apply for a ballot by mail for one election, and any resulting runoff. Please select the appropriate box. <div style="display: flex; justify-content: space-between;"> <div> <u>Uniform and Other Elections:</u> <input type="checkbox"/> May Election <input type="checkbox"/> November Election <input type="checkbox"/> Other ____ </div> <div> <u>Primary Elections:</u> You must declare <u>one</u> political party to vote in a primary: <input type="checkbox"/> Democratic Primary <input type="checkbox"/> Republican Primary </div> </div> <input type="checkbox"/> Any Resulting Runoff	10 "I certify that the information given in this application is true, and I understand that giving false information in this application is a crime." <div style="display: flex; align-items: center; margin-top: 10px;"> <div style="font-size: 2em; margin-right: 10px;">→</div> <div style="border: 2px solid black; padding: 10px; flex-grow: 1;"> <div style="font-size: 4em; text-align: center; margin-bottom: 10px;">X</div> <div style="text-align: right;">Date</div> </div> </div> SIGN HERE If applicant is unable to sign or make a mark in the presence of a witness, the witness shall complete Box #11.
----	---	---

If someone helped you to complete this form or mails the form for you, then that person must complete the sections below.

11	See back for Witness and Assistant definitions. If applicant is unable to mark Box #10 and you are acting as a Witness to that fact, please check this box and sign below. <input type="checkbox"/> If you assisted the applicant in completing this application in the applicant's presence or e-mailed/mailed or faxed the application on behalf of the applicant, please check this box as an Assistant and sign below. <input type="checkbox"/> ★ If you are acting as Witness and Assistant , please check <u>both boxes</u> . Failure to complete this information is a Class A misdemeanor if signature was witnessed or applicant was assisted in completing the application.	
	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <div style="margin-bottom: 10px;"><u>X</u></div> <div style="margin-bottom: 10px;">Signature of Witness /Assistant</div> <div style="display: flex; justify-content: space-between;"> <div>Street Address</div> <div>Apt Number (if applicable)</div> </div> <div>State</div> </div> <div style="width: 45%;"> <div style="margin-bottom: 10px;"><u>X</u></div> <div style="margin-bottom: 10px;">Printed Name of Witness/Assistant</div> <div>City</div> <div>ZIP Code</div> </div> </div>	Witness' Relationship to Applicant (Refer to Instructions on back for clarification) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>

Instructions for Application for Ballot by Mail

Residence Address - Give full address as shown on your voter registration certificate. If you have moved within the county but not yet changed your voter registration address with the voter registrar, indicate your new residence address.

Mail Ballot To - Give full address where you wish to have ballot mailed, if the address is different from your residence address.

Mailing Ballot to a Different Address - Your ballot must be mailed to your home where you live or to your mailing address on your voter registration certificate. There are some exceptions that allow you to have your ballot mailed to a different location as specified below.

Reason for voting by mail	Location to mail ballot
65 or disabled	Nursing home, assisted living/retirement center, relative, hospital
In jail	Address of jail or relative
Absent from county	Address located outside of county

Expected Absence from County - If you chose expedited absence from county, you must expect to be absent from the county on election day and during the hours of early voting in person or for the remainder of the early voting period after you submit your application. **Your ballot must be mailed to an address outside the county.** Important: Give date you can begin to receive mail at the address given.

Annual Application - If you are 65 years of age or older, or disabled you may apply to receive all ballots by mail for a calendar year. If you do not select any elections in Box 6a, your application will be considered an Annual Application. If you submit an annual application for a ballot by mail, your application may be forwarded to other entities holding elections where you are a qualified voter. This means that you may receive a ballot for those elections in addition to the ballot(s) you requested with this application.

Submitting Application

1. Sign and date your application - If unable to sign, please go to Witness/Address boxes (11 on reverse) and have a person witness your mark. Witness/Assistant instructions follow below.

2. Deliver to Early Voting Clerk - You may submit your application via these methods:

In Person: Only the applicant may submit their application in person to the Early Voting Clerk until the early voting period begins. However, after the early voting period begins for an election, the applicant may only submit their application via mail, common contract carrier, fax, or e-mail.

By Mail: You may mail your application via the U.S. Postal Service.

By Common Contract Carrier: You may submit via a common or contract carrier which is a bona fide, for profit carrier.

By Fax: You may fax your application to the Early Voting Clerk. Please contact your Early Voting Clerk or the Secretary of State's Office for fax numbers.

By E-Mail: You may e-mail a signed, scanned image of your application to the Early Voting Clerk. Please contact your Early Voting Clerk or the Secretary of State's Office for e-mail addresses.

IF YOU FAX OR E-MAIL YOUR APPLICATION TO THE EARLY VOTING CLERK, YOU MUST ALSO MAIL THE APPLICATION SO THAT THE CLERK RECEIVES IT NO LATER THAN THE FOURTH BUSINESS DAY AFTER THE DAY THE CLERK RECEIVED YOUR FAXED OR EMAILED APPLICATION. If you fax or e-mail your application by the deadline noted below, your application will be considered complete and timely as long as the original is received by the early voting clerk by the fourth business day after it was submitted by fax or e-mail.

Deadline

Your application must be received by the early voting clerk of the local entity conducting the election not later than the 11th day before election day. If the 11th day is a weekend or holiday, the deadline is the first preceding business day. You may submit an application throughout the calendar year, beginning January 1. Please remember that the application must be received not later than the 11th day before the first election in which you seek to vote by mail.

If you submit an Annual Application for Ballot by Mail within 60 days before an election that takes place in the following calendar year, your application will be valid for any election that takes place in the following calendar year, regardless of the fact that your application was submitted prior to the end of the preceding calendar year. This applies to Annual Applications only and not to a regular application for ballot by mail.

Witness/Assistant Section

Witness: If you are unable to sign your name (due to a physical disability or illiteracy), the application may be signed at Box #11 for you by a Witness. You must affix your mark to the application in Box #10 or, if you are unable to make a mark, then the Witness must check the appropriate box in 11 indicating he inability to make a mark. The Witness must state his/her name in printed form and indicate his/her relationship to you or, if unrelated, state that fact. The Witness must sign and provide his or her printed name and residence address. Unless the Witness is a close relative of the voter (parent, grandparent, spouse, child or sibling), it is a Class B misdemeanor for a person to witness more than one application for ballot by mail.

Assistant: If a person (other than a close relative or person registered to vote at the same address) assists you in completing this application in your presence or mails/faxes/e-mails this application on your behalf, then that person must complete Box #11. The Assistant must sign, provide his or her printed name, and his or her residence address. A person commits a Class A misdemeanor if the person provides assistance without providing the information described above unless a close relative or registered at your address.

Print

Reset

If you have further questions or need additional assistance, please contact your Early Voting Clerk or The Secretary of State's office at 1-800-252-8683 or www.sos.state.tx.us.

DO NOT REMOVE PERFORATED TABS. Moisten tab and fold top to bottom to seal.

FROM:

AFFIX LABEL HERE OR ADDRESS TO: EARLY VOTING CLERK

AFFIX FIRST CLASS POSTAGE

EXHIBIT E

Early Voting by Mail (ABBM and FPCA)



Texas Secretary of State – Elections Division



TOPICS COVERED

1. Eligibility to Vote by Mail
2. Methods of Submitting an ABBM
3. Reviewing ABBMs
4. Cancellation of an ABBM
5. Accepting and Rejecting ABBMs

Plus **NEW LAW** throughout.



TOPICS COVERED

Senate Bill 1 from the Second Called Special Session was passed and becomes effective on December 2, 2021. SB 1 will require additional changes to existing resources, including some that were recently modified due to legislative changes from the 2021 Regular Session. This includes additional changes to the ABBM. This presentation does not address changes to the ABBM resulting from SB 1. Our office will provide information regarding SB 1 and changes to the ABBM at a future date.



ELIGIBILITY TO VOTE BY MAIL



Eligibility to Vote by Mail

- **A qualified voter may vote by mail if the voter:**
 - Will be 65 or older on Election Day (Annual or Regular ABBM)
 - Has a Disability (Annual or Regular ABBM)
 - Is Expecting to Give Birth Within Three Weeks Before or After Election Day (Regular ABBM) **(New Law)**
 - Is Civilly Committed Under Chapter 841, Health and Safety Code (Regular ABBM) **(New Law)**
 - Expects to be Absent from County during Early Voting and on Election Day (Regular ABBM)
 - Is Confined in Jail (Regular ABBM)
 - Is in the Attorney General Address Confidentiality Program (Regular ABBM)
 - Is Military or Dependent of Military & Outside of Home Texas County (FPCA)
 - Is Temporarily Living Outside the United States (FPCA)
 - Is Living Outside the United States and the Voter has Indicated their Intent to Return is Uncertain (FPCA)
 - Is a member of the National Guard or Dependent (FPCA) **(New Law)**
- Chapters 82 and 101, Texas Election Code



Annual ABBM

- Certain voters may submit a single Annual ABBM and receive ballots for all elections held by all entities in which the voter is eligible to vote in that calendar year.
- Eligible Voters:
 - ONLY for Voters 65+ or with Disability
 - Applicant must **indicate** they want the ABBM to be an Annual ABBM (not automatic) OR applicant does not specify the election for which a ballot is requested
 - Voters applying for reason of absence from county do not qualify for Annual ABBM.
- Submitted to the early voting clerk of **ANY** political subdivision, not just to the county early voting clerk. Sec. 86.0015.



Eligibility to Vote by Mail

NEW LAW: House Bill 3920 (2021)

- Modified the definition of disability to include a qualified voter who is expecting to give birth within three weeks before or after election day. However, note that voters in this category are not eligible to submit an Annual ABBM.

Section 82.002, Texas Election Code



Eligibility to Vote by Mail

NEW LAW: House Bill 3107 (2021)

- Created a new category of eligibility for voting by mail for voters that have been civilly committed under Chapter 841 of the Health and Safety Code.

Section 82.008, Texas Election Code



Eligibility to Vote by Mail

NEW LAW: House Bill 3107 (2021)

- Expanded FPCA eligibility to a member of the Texas National Guard or the National Guard of another state or a member of the reserves serving on active duty, and includes their spouse or dependents.

Section 101.001, Texas Election Code



Eligibility to Vote by Mail

NEW LAW: House Bill 3920 (2021)

- The following do not constitute sufficient cause to entitle a voter to vote under the disability category:
 - (1) a lack of transportation
 - (2) a sickness that does not prevent the voter from appearing at the polling place on election day without a likelihood of needing personal assistance or of injuring the voter's health, or
 - (3) a requirement to appear at the voter's place of employment on election day.

Section 82.002, Texas Election Code



Type	Who Can Use?	Application Delivery	Filing Period	Expiration Date	Ballots Received
Regular ABBM	<ul style="list-style-type: none"> 65+ on Eday Disability Expected to Give Birth Within Three Weeks Before or After Eday Absent from County Confined in Jail Civilly Committed under Chapter 841, Health and Safety Code Address Confidentiality 	<ul style="list-style-type: none"> In person by voter not later than the 11th day before Eday Regular Mail Common or Contract Carrier Fax Email (signed, scanned attachment) 	January 1 of calendar year through 11 th day before election day for which ballot is requested.	Good for one election only (plus runoff if requested). Expires after the election for which ballot was requested. OR Voter cancels ABBM.	Ballot(s) for election(s) held by early voting clerk to whom application submitted (and runoff ballot, if requested).
Annual ABBM	<ul style="list-style-type: none"> 65+ on Eday Disability 	Same as Regular ABBM	January 1 of calendar year*+ *On or before 11 th day before Eday, to receive ballot for that election +Up to 60 days before election held in January or February.	December 31 OR Until: <ul style="list-style-type: none"> Voter cancels ABBM Registration cancelled Voter registers in a new county 	All ballots for all elections held by all political subdivisions in the year in which submitted.+
FPCA	<ul style="list-style-type: none"> Military Voter Outside Home Texas County (or Dependent) National Guard (or Dependent) U.S. Citizen Overseas 	<ul style="list-style-type: none"> In person by voter not later than the 11th day before Eday Regular Mail Common or Contract Carrier Fax Email (signed, scanned attachment) 	January 1 of calendar year*+ *If registered, on or before 11 th day before Eday, to receive ballot for that election. If not registered but eligible to register, not later than 20 th day before Eday. +Up to 60 days before election held in January or February.	Same as Annual ABBM	All ballots for all elections held by the county, city, or school district, in the year in which submitted (unless eligible for federal ballot only).+

METHODS OF SUBMITTING AN ABBM OR FPCA



Methods of Submitting an ABBM or FPCA

- There are different ways for a voter to submit an ABBM or FPCA:
 - In person by voter not later than the 11th day before Election Day (unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day) (New Law)
 - By regular mail
 - By common or contract carrier
 - By email
 - By facsimile

Sections 84.007 and 84.008, Texas Election Code



Methods of Submitting an ABBM or FPCA

NEW LAW: House Bill 3107 (2021)

- Effective September 1, 2021, voters may now personally deliver their ABBM or FPCA to the early voting clerk not later than the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the 11th day before election day (unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day.)
- For the constitutional amendment election, this deadline is Friday, October 22, 2021
- However, see the slide on the next page regarding voters voting by mail due to absence from the county of residence

Sections 84.007, 84.008, and 101.052 Texas Election Code



Methods of Submitting an ABBM or FPCA

For voters voting by mail due to absence from the county of residence:

- If a voter's early voting ballot application is submitted on or after the first day of the period for early voting by personal appearance, the voter is ineligible for early voting by mail unless the voter is absent from the county when the application is submitted.
- This means that once early voting in person has started, the voter may no longer deliver their ABBM or FPCA in person to the early voting clerk. This is due to the fact that the voter must be absent from the county when the application is submitted.

Section 82.001 and 101.002, Texas Election Code



Methods of Submitting an ABBM

- On request of the applicant, an application for a ballot to be voted by mail on the ground of confinement in jail may be submitted to the early voting clerk, at the discretion of the authority in charge of the jail, by personal delivery by the jail authority or by a designated subordinate of the authority.

Section 84.009, Texas Election Code



Methods of Submitting an ABBM or FPCA

- If an ABBM is faxed or emailed or if an FPCA is faxed, then the applicant **must** submit the ORIGINAL application BY MAIL to the early voting clerk so that the early voting clerk **receives the original no later than the 4th business day after receiving the emailed or faxed ABBM or faxed FPCA.**
- If the early voting clerk does not receive the original ABBM or FPCA by that deadline, then the emailed or faxed ABBM or faxed FPCA will be considered incomplete, and the early voting clerk may **NOT** send the applicant a ballot. The early voting clerk should retain a copy of the FPCA for their own records, but should send the FPCA submitted by the voter to the Voter Registrar for registration purposes.

Section 84.007, Texas Election Code



Methods of Submitting an ABBM

For information on how a voter may submit a request to vote by mail if he/she participates in the Attorney General Address Confidentiality Program, please see our advisory here:

No. 2020-28 - Registering a Voter who is part of a Confidentiality Program



ABBM Ballot Tracker

NEW LAW: House Bill 1382 (2021)

- Requires the Secretary of State to provide an online tool on the Secretary of State's website that enables a person who has submitted an Application for a Ballot by Mail to track the location and status of the person's application and ballot. The tracking tool must require the voter to provide certain personally identifiable information in order for the voter to obtain information related to their ballot.
- The ballot by mail tracker must be updated with each of the following events to provide information on:
 - When an application to vote by mail has been received by the early voting clerk;
 - When the mail ballot application has been accepted or rejected by the early voting clerk;
 - When the official ballot has been placed in the mail by the early voting clerk;
 - When the person's marked ballot is received by the early voting clerk; and
 - Whether the early voting ballot board has accepted or rejected the ballot.
 - For each carrier envelope containing a mail ballot, the ballot by mail tracker must assign or record a serially numbered and sequentially issued barcode or tracking number unique to each envelope.

NOTE: The mail ballot tracker will only be available for elections in which the county election officer is the early voting clerk.

Section 86.015, Texas Election Code



Methods of Submitting an ABBM

Voters may use either:

- An SOS official (formal) application (84.011); or
- An informal Application (84.002)



Methods of Submitting an ABBM

Please be advised that the ABBM will be updated to accommodate changes in SB 1 for release after the November 2021 election. Please plan accordingly when ordering your current form stock.



Informal Application

- ☒ In writing (i.e., not verbal)
- ☒ Signed by applicant or witness
- ☒ Contain Applicant's Name
- ☒ State Registered Residence Address
- ☒ Contain Address to which ballot to be mailed
- ☒ State Grounds for voting by mail
- ☒ Indication of which election application is for



Informal Application

NEW LAW: House Bill 3920 (2021)

- An application for a ballot to be voted by mail on the ground of disability must require the applicant to affirmatively indicate the following: “I have a sickness or physical condition that prevents me from appearing at the polling place on election day without a likelihood of needing personal assistance or injuring my health.”
- This statement must be affirmatively indicated by the voter on their application to vote by mail
- **Note:** This statement is not required from a voter who is expecting to give birth within three weeks before or after election day.

Sections 82.002 and 84.002, Texas Election Code



Informal Application

NEW LAW: House Bill 3107 (2021)

-For an application for a ballot to be voted by mail on the ground of involuntary civil commitment, the application must include the address of the facility operated by or under contract with the Texas Civil Commitment Office or of a person related to the applicant within the third degree of consanguinity, as determined under Chapter 573, Government Code.

Section 84.002, Texas Election Code



Informal Application

- For ABBMs which are prepared and distributed by campaigns, please note that these applications must include the information required under Section 84.002 of the Election Code, including the statement which must be affirmatively indicated by the voter on their application to vote by mail if voting by mail on the ground of disability.



Formal Application – Prescribed by SOS

Application for a Ballot by Mail

If someone helps you complete this form or mails, emails or faxes this form for you, that person must complete the Witness/Assistant Box 6 below. If you email or fax this form to the Early Voting Clerk, you must also send the original hardcopy to the Early Voting Clerk. If you are faxing or emailing this form on or near the deadline to apply for a Ballot by Mail, you must send the original hardcopy so that the Clerk receives it no later than the fourth business day after the day the Clerk received your email or fax. **Original signatures are required on both the fax or email image and the physical hard copy.** Electronic signatures are not permitted. **THE HARDCOPY OF THIS APPLICATION MUST BE RECEIVED BY THE EARLY VOTING CLERK AND MEET ALL LEGALLY REQUIRED DEADLINES.** Please read the instructions on the back of this form completely. If you have any questions, please call the Early Voting Clerk in your county of registration or the office of the Texas Secretary of State at 1-800-252-8683 or log on to www.sos.texas.gov for a list of County Early Voting Clerks and their email and physical addresses.

1. Voter Information: Please print all information clearly and legibly

Name: _____				
Last,	First,	Middle	Suffix (Jr., Sr.)	
Address: _____				
Residence Address as shown on your Voter Registration Certificate		City	State	Zip Code
				Apt. # (if any)
Optional Information Section: Providing this information is helpful to the Early Voting Clerk, but not required.				
VOID #: _____		Pct #: _____	Date of Birth: ____/____/____	
Email: _____		Telephone #: (____) ____-____		

2. Mail my Ballot to:

- ☐ My Residence Address (as listed on my Voter Registration Certificate)
- ☐ Other Address - You may use the Other Address line only if the other address fits one of the categories below.

_____		_____	_____	_____	_____
Address		City	State	Zip Code	Apt. # (if any)
My Other Address is: (Check one)					
<input type="checkbox"/> The mailing address listed on my Voter Registration Certificate					
<input type="checkbox"/> Address Outside the County (voters absent from the county)					
<input type="checkbox"/> Hospital, Nursing Home, Long-Term Care Facility, Retirement or Assisted Living Center or a Relative _____					(Indicate Relationship)
<input type="checkbox"/> Address of the Jail/Civil Commitment Facility or a Relative _____					(Indicate Relationship)

3. Reason For Voting by Mail:

- ☐ 65 Years of Age or Older
- ☐ Disability (as defined in Texas Election Code 82.002(a), see instruction on reverse) By checking this box, "I affirm that I have a sickness or physical condition that prevents me from appearing at the polling place on election day without a likelihood of needing personal assistance or of injuring my health."
- ☐ Expected to give birth within three weeks before or after Election Day
- ☐ Expected Absence from the County (You may apply for a ballot for one election and its resulting runoff, if your dates of absence from the county include both elections)



Reviewing ABBMs



Reviewing an ABBM

1. Voter Information: Please print all information clearly and legibly					
Name: _____					
Last,	First,	Middle	Suffix (Jr., Sr.)		
Address: _____					
Residence Address as shown on your Voter Registration Certificate		City	State	Zip Code	Apt. # (if any)
<u>Optional Information Section: Providing this information is helpful to the Early Voting Clerk, but not required.</u>					
VUID #: _____		Pct #: _____	Date of Birth: ____/____/____		
Email: _____			Telephone #: (____) ____-____		

Box 1: Per Section 84.002, the applicant's name and the address at which the applicant is registered to vote must be included on the ABBM. If the voter's VUID, precinct number, telephone number, email address, and date of birth are not included on the application, this is not fatal to the application.



Frequently Asked Questions

Question: The EV clerk received a timely ABBM for an upcoming election from a voter who is not currently registered to vote in the county/political subdivision. Can the EV clerk process the application and send the voter a ballot by mail?

Answer: The application must be rejected and the voter must be sent a Notice of Rejected Application for Ballot by Mail if the voter is not registered in the county/political subdivision and the voter registration records reflect that the voter will not have an effective voter registration by election day in the county/political subdivision. Pursuant to Section 13.143 of the Code, a voter registration is effective for purposes of early voting if it will be effective on election day. As such, if the voter registration records reflect that the voter's registration will be effective by election day, and the single-use ABBM or Annual ABBM contains the required information, the application should be processed and the voter should be sent a ballot by mail.



Frequently Asked Questions

Question: What if the residence address the voter provided on the ABBM is different from the residence address at which the voter is registered?

Answer: As long as the voter is registered in the political subdivision holding the election, **and** as long as the address on the ABBM is also within that county (or political subdivision), then the EV clerk should process the ABBM (if the voter is otherwise eligible to vote in the election) and send the voter a Statement of Residence along with the balloting materials. If the addresses do not meet this criteria, then the EV clerk must reject the ABBM (or forward it to the correct EV clerk, if applicable). When mailing a ballot to the voter, the EV clerk must make a notation on the carrier envelope that a Statement of Residence is included so that the early voting ballot board knows to look for the Statement of Residence with the marked ballot; the early voting ballot board cannot count that ballot if the Statement of Residence is not returned by the voter.



Frequently Asked Questions

Question: It appears the voter may have recently gotten married/divorced and is now using a different last name on the ABBM than the last name the voter is registered to vote with. May the application be accepted?

Answer: If the EV clerk is able to confirm that the individual is a registered voter of the political subdivision, then the ABBM should not be rejected. However, if possible, the voter should be advised that there may be a problem later when the early voting ballot board (EVBB) reviews the name on the carrier envelope compared to the name on the list of registered voters. There is a possibility that the EVBB will reject the ballot. If possible, the EV clerk should contact the voter and have the voter update their information as to the name change. Once updated, the EV clerk can process the ABBM.



Reviewing an ABBM

2. Mail my Ballot to:

☐ My Residence Address (as listed on my Voter Registration Certificate)

☐ Other Address - You may use the Other Address line only if the other address fits one of the categories below.

Address	City	State	Zip Code	Apt. # (if any)
My Other Address is: (Check one)				
<input type="checkbox"/> The mailing address listed on my Voter Registration Certificate				
<input type="checkbox"/> Address Outside the County (voters absent from the county)				
<input type="checkbox"/> Hospital, Nursing Home, Long-Term Care Facility, Retirement or Assisted Living Center or a Relative _____				(Indicate Relationship)
<input type="checkbox"/> Address of the Jail/Civil Commitment Facility or a Relative _____				(Indicate Relationship)

Box 2: For an application for a ballot to be voted by mail on the grounds of age or disability, the ABBM must include the address of the hospital, nursing home or other long-term care facility, or retirement center, or of a person related to the applicant within the second degree by affinity (by marriage) or the third degree by consanguinity (by blood) if the mailing address is different from the residence address.

For an application for a ballot by mail on the ground of absence from the county of residence, the application must include the address outside the applicant's county of residence to which the ballot is to be mailed.

For an application for a ballot by mail on the ground of confinement in jail, the application must include the address of the jail or of a person related to the applicant within the second degree by affinity or the third degree by consanguinity.

For an application for a ballot to be voted by mail on the ground of involuntary civil commitment, the address of the facility operated by or under contract with the Texas Civil Commitment Office or of a person related to the applicant within the third degree by consanguinity.

Section 84.002, Texas Election Code



Frequently Asked Questions

Question: A voter submitted an ABBM to vote a ballot by mail on the ground of disability/age. The mailing address provided on the application is not the mailing address listed on the voter's registration certificate. The voter did not make a selection in Box No. 2 of the official state application indicating whether the mailing address is that of a hospital, nursing home or other long-term care facility, retirement center, or of a person related to the voter. Should the application be rejected?

Answer: Yes, the application must be rejected because the mailing address on the application differs from the mailing address on the voter's registration certificate. Pursuant to Section 84.002 of the Code, an application for a ballot to be voted by mail on the grounds of age or disability must include the address of the hospital, nursing home or other long-term care facility, or retirement center, or of a person related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Chapter 573, Government Code, if the applicant is living at that address and that address is different from the address at which the applicant is registered to vote.



Frequently Asked Questions

Question: A voter submitted an ABBM to vote a ballot by mail on the ground of being confined in jail. However, the voter provided the residence address at which he/she is registered to vote on the “mailing address” portion of the application, instead of providing the address for a jail. The voter included a handwritten note on the application reflecting that the voter is under house arrest. Should the application be rejected?

Answer: No, the application should not be rejected. Section 84.002(a)(4) of the Code requires an early voting ballot application to include, for an application for a ballot to be voted by mail on the ground of confinement in jail, the address of the jail or of a person related to the applicant within the degree described by Section 84.002(a)(3) of the Code. If the voter indicated that he/she is requesting a ballot by mail on the ground of being confined in jail, and included a notation that the voter is under house arrest, the application should be processed and a ballot should be mailed to the voter at the residence address at which he/she is registered to vote.



Reviewing an ABBM

3. Reason For Voting by Mail:

- ☐ 65 Years of Age or Older
- ☐ Disability (as defined in Texas Election Code 82.002(a), see instruction on reverse) By checking this box, "I affirm that I have a sickness or physical condition that prevents me from appearing at the polling place on election day without a likelihood of needing personal assistance or of injuring my health."
- ☐ Expected to give birth within three weeks before or after Election Day
- ☐ Expected Absence from the County (You may apply for a ballot for one election and its resulting runoff, if your dates of absence from the county include both elections)

Date you can begin to receive mail at your out of county address: ____/____/____ Date of return to residence address: ____/____/____

- ☐ Confined in Jail or Involuntary Civil Commitment (You may only apply for a ballot for one election and any resulting runoff)

Box 3: Pursuant to Section 84.002, an ABBM must include an indication of the ground of eligibility for early voting. If the application does not include this information, the application must be rejected.



Frequently Asked Questions

Question: A political subdivision is conducting an election and the EV clerk received a single-use ABBM from a voter due to absence from the county of residence. However, the information on the ABBM reflects that the voter will only be out of the county of residence during the early voting period/or will only be out of the county on election day. Is the voter eligible to receive a ballot by mail?

Answer: No, the voter is not eligible to receive a ballot by mail. Pursuant to Section 84.002(b) of the Code, an application for a ballot to be voted by mail on the ground of absence from the county of residence must indicate that the applicant satisfies the requirements prescribed by Section 82.001. A qualified voter is eligible for early voting by mail if the voter expects to be absent from the county of the voter's residence on election day and during the regular hours for conducting early voting at the main early voting polling place for that part of the period for early voting by personal appearance remaining after the voter's early voting ballot application is submitted to the EV clerk.



Frequently Asked Questions

Question: May a voter under 65 years of age submit an Annual ABBM if the voter will turn 65 before the first election in which he/she will vote by mail?

Answer: Yes. Pursuant to Section 82.003, a voter must be “65 years of age or older on election day” to vote early by mail.



Frequently Asked Questions

Question: The EV clerk received a single-use ABBM from a voter who is confined in jail. The application was personally delivered to the EV clerk by a person from the jail authority. May the application be processed and a ballot mailed to the voter?

Answer: Yes, pursuant to Section 84.009, the application may be processed and a ballot mailed to the voter. On request of the applicant, an application for a ballot to be voted by mail on the ground of confinement in jail may be submitted to the EV clerk, at the discretion of the authority in charge of the jail, by personal delivery by the jail authority or by a designated subordinate of the authority.



Reviewing an ABBM

4. Send me a Ballot for the Following Elections:	
<p><input type="checkbox"/> Annual Application Send me a ballot for all Elections in this voting year (January – December) Annual Applications only available for voters 65 and older and voters with disabilities. You must select a party if you wish to vote in a primary. Select only one party's primary and its resulting runoff.</p> <p><u>Primary Election</u> (even numbered years only)</p> <p><input type="checkbox"/> Democratic Primary <input type="checkbox"/> Any Resulting Runoff</p> <p><input type="checkbox"/> Republican Primary <input type="checkbox"/> Any Resulting Runoff</p> <p><input type="checkbox"/> Do Not Send me a Primary Ballot</p>	<p>OR</p>
<p><u>Uniform Election Dates</u></p> <p><input type="checkbox"/> November Election <input type="checkbox"/> May Election (not a primary runoff)</p> <p><input type="checkbox"/> Any Resulting Runoff <input type="checkbox"/> Other Special Election: _____ (Name or Date of Special Election, if known)</p> <p><u>Primary Election</u> (even numbered years only)</p> <p><input type="checkbox"/> Democratic Primary <input type="checkbox"/> Any Resulting Runoff</p> <p><input type="checkbox"/> Republican Primary <input type="checkbox"/> Any Resulting Runoff</p> <p>(Voters who are absent from the county or confined in jail/civilly committed may only apply for one election and its resulting runoff.)</p>	

Box 4: Per Section 84.002, an early voting ballot application must include, for an application for a ballot to be voted by mail on any ground, an indication of each election for which the applicant is applying for a ballot. However, there are some exceptions to this. Please see the following FAQs for examples.



Frequently Asked Questions

Question: What if a voter does not check *any* boxes indicating for which election(s) he/she wishes to receive a ballot?

Answer: It depends on the elections within that calendar year. If the Annual ABBM voter did not select any elections during a primary election year, e.g. 2022, and the voter did not select which party's ballot he/she would like to receive, the EV clerk should reject the ABBM for purposes of the primary election, but otherwise process the application as an Annual ABBM. The EV clerk should notify the voter of the rejection of the ABBM as it applies to the primary election, but also check the box that indicates the application will be considered an Annual ABBM. [Secs. 86.0015, 86.001] If it is an odd-numbered year, e.g. 2021, and the Annual ABBM voter did not select any elections, the application would be considered an Annual ABBM and processed accordingly. [Sec. 86.0015(a)]



Frequently Asked Questions

Question: What if a voter submitted an application on the ground of age or disability but did not select the “Annual Application” option on the form and only requested a ballot for the primary election and the general election for state and county officers (during a primary election year). Specifically, the voter opted not to mark the May uniform election date.

Answer: If a voter only requested a mail ballot for selected elections but did not select the annual option on the form, in this case the primary election and the general election for state and county officers, you would NOT treat this as an Annual ABBM. Instead, you would treat this as a request for the specific elections identified by the voter.



Frequently Asked Questions

Question: The EV clerk received a single-use ABBM from a voter but the voter did not indicate that he/she wanted a ballot for any resulting runoff. Our political subdivision is conducting a runoff election. Should a ballot be mailed to the voter for the runoff election?

Answer: No, a ballot should not be mailed to the voter for the runoff election. An applicant for a ballot to be voted by mail may apply for ballots for the main election and any resulting runoff election on the same application. [Sec. 84.001] However, a ballot for the runoff election should not be mailed to the voter if the voter did not request a ballot for any resulting runoff on the single-use ABBM.



Frequently Asked Questions

Question: The EV clerk received a single-use ABBM from a voter after the deadline for the election. The voter requested a ballot for the main election and any resulting runoff on his/her application. The political subdivision is having a runoff election/second election to resolve a tie. Should the EV clerk mail the voter a ballot for the runoff election/second election to resolve a tie?

Answer: Yes. If an application for the main election and any resulting runoff is not timely for the main election, it will be considered timely for any resulting runoff if received not later than the deadline, determined using the date of the runoff election, for submitting a regular application for a ballot to be voted by mail. [Sec. 84.001(e)]



Reviewing an ABBM

5. Sign Here:

"I certify that the information given in this application is true, and I understand that giving false information in this application is a crime."

X _____ Date: ____/____/____
If applicant is unable to sign or make a mark (in the presence of a witness), the witness must complete the witness portion in Box 6 below. The signature or mark of the voter in the blank above must be an original signature made with a pen and ink. Electronic signatures are not permitted.

Box 5: Per Section 84.001, to be entitled to vote an early voting ballot by mail, an application must be in writing and signed by the applicant. An electronic signature is not permitted. If the application is not dated, this is not fatal to the application.



Frequently Asked Questions

Question: The EV clerk received an application from a voter but it contained a digital signature. May the application be accepted?

Answer: No, the application must be rejected. An application must be in writing and signed by the applicant. An electronic signature is not permitted. [Sec. 84.001] Likewise, a voter's stamped signature is also not permitted.



Reviewing an ABBM

6. If someone helps you complete this form or mails, emails or faxes the form for you, that person must complete the section below.

Instructions for Witnesses and Assistants: See back of this form for the definitions of Witness and Assistant.
Check one or both boxes below if you served as a Witness, an Assistant or both. All information below must be completed!

☐ If the applicant is unable to make a mark, you must check this box and complete all information below. Do not sign for the voter in Box 5.

☐ Witness – If you are acting as a Witness to the applicant's signature or mark or signing on the applicant's behalf, you must state your relationship to the applicant here: _____ (Indicate Relationship)

☐ Assistant – If you assisted the applicant in completing this application in the applicant's presence or mailed/emailed/faxed the application on behalf of the applicant.

Failure to complete this section is a Class A Misdemeanor if applicant's signature was witnessed or applicant was assisted in completing this application.

X _____
 Signature of Witness/Assistant Printed Name of Witness/Assistant

 Street Address City State Zip Code Apt. # (if any)

Box 6: Per Section 1.011, when the Election Code requires a person to sign an application, the document may be signed for the person by a witness, if the person required to sign cannot do so because of a physical disability or illiteracy. The person who cannot sign must affix the person's mark to the document or paper, which the witness must attest. If the person cannot make the mark, the witness must state that fact on the document. Per Section 84.003, a person who acts as a witness for an applicant for an ABBM commits an offense if the person knowingly fails to comply with Section 1.011. Further, a person who in the presence of the applicant otherwise assists an applicant in completing an ABBM commits an offense if the person knowingly fails to comply with Section 1.011 in the same manner as a witness.



Frequently Asked Questions

Question: How many Annual ABBMs may a person witness in a calendar year?

Answer: Unless a close relative of the voter (parent, grandparent, spouse, child, or sibling) or an EV clerk or deputy EV clerk, a person may witness one single-use ABBM per election in a calendar year, or one Annual ABBM for the entire calendar year. Note, a violation of this law does not invalidate the ABBM. [Sec. 84.004]



Frequently Asked Questions

Question: May a political campaign pre-fill in certain information for the voter? For example, may the campaign include the voter's name, address, and the fact that the voter is submitting the application on the ground of being 65 years of age or older? Also, if the application is pre-filled by the campaign, must the campaign complete the assistance portion of the application?

Answer: Campaigns may pre-fill in a voter's name, address, and the fact that the voter is submitting the application on the ground of being 65 year of age or older. Assistance is defined as being "in the presence" of the applicant. [Sec. 84.003] Note that candidates or campaigns that send pre-filled ABBMs to voters are not considered to be assistant to those applicants. As such, the campaign is not required to complete the assistance portion of the application.



Frequently Asked Questions

Question: The EV clerk received an ABBM from a voter which reflected that the voter was unable to sign his/her name or make a mark. The witness signed his/her own name but did not provide the witness's residence address/printed name and/or indicate the witness's relationship to the voter. May the application be accepted?

Answer: No. The application may not be accepted and the EV clerk must mail the voter a Notice of Rejected Application for Ballot by Mail. Per Section 1.011 of the Code, the application may be signed by a witness if the voter cannot sign the application due to physical disability or illiteracy. If the voter cannot sign his/her name, the voter must affix his/her mark to the ABBM, to which the witness must attest. If the voter cannot make the mark, the witness must state that fact on the application. The witness must affix the witness's own signature to the application and state the witness's own name, in printed form. The witness must also state his/her residence address unless the witness is an election officer, in which case the witness must state the witness's official title.



Frequently Asked Questions

Question: The EV clerk received an application that reflects that the voter received assistance in completing the application. However, the assistant did not provide his/her signature/printed name and/or residence address. May the application be accepted?

Answer: Yes, the application may be accepted. Mistakes with respect to completing the assistance portion on an ABBM do not cause rejection of the application. However, a person who in the presence of the applicant otherwise assists an applicant in completing an early voting ballot application commits a Class A misdemeanor offense if the person knowingly fails to comply with Section 1.011(d) of the Code in the same manner as a witness.



Best Practices When Reviewing ABBMs

- The EV Clerk should review the following items on an ABBM:
 - Timeliness
 - Proper Delivery (mail, common/contract carrier, fax, in person by voter, email)
 - Correct Clerk (if not, forward)
 - **Registration Status**
 - **Residence and Mailing Address**
 - Additional Considerations
 - outside county, disability, 65 or older
- Recommend date stamping the application on the date it is received by the EV Clerk



Cancellation of an ABBM



Mail Ballot Cancellation

- Process depends on what the voter has (or doesn't have)
- Also depends on when the voter requests cancellation

Section 84.032, Texas Election Code



Cancellation of Ballots by Mail

- Some cancellation methods are only available during the timeframe leading up to election day
 - 84.032(b) - a voter may cancel their ballot by mail by submitting a signed, written request for cancellation to the EVC
 - Must be received on or before the third day before election day and before the marked ballot is returned to the EVC
- Some cancellation methods are only available after EV has closed
 - 84.032(c) - a voter may cancel their ballot by mail by appearing in person and either returning the ballot by mail or by executing an affidavit that they never received a ballot or that they never requested a ballot
 - Only available after the close of early voting by personal appearance at the EVC's office
- Other cancellation methods may have different procedural requirements during EV vs. on ED
 - 84.032(d) - a voter may cancel their ballot by mail by appearing in person and either returning the ballot by mail or providing a notice of improper delivery under 86.006(h)
 - If during EV, cancel with EVC or a deputy EVC at the main EV location or a branch EV location
 - If on ED, cancel with the presiding judge at the voter's election day polling place
- This is not an exhaustive list of cancellation methods, but rather is meant to illustrate the fact that the procedures may change depending on what phase of the process you are in

Sec. 84.032, Texas Election Code



Notice to the Texas Attorney General

The EV clerk shall, not later than the 30th day after election day, deliver notice to the Attorney General of cancellation requests received, including certified copies of cancellation requests, applications, and carrier envelopes, if available. (Section 84.037(b), Election Code)

If you have not already created an account with the Attorney General's office in order to provide the required information, go to <https://oagtx.force.com/mbsr>, acknowledge the information screen, then:

Click the "Sign Up" link near the login prompt and create an account as head election official;

Wait for your account to be validated/confirmed (this is a manual verification process);

Once you are confirmed and logged in, follow the on-screen prompts to report data and upload documents.



ACCEPTING AND REJECTING ABBMS



Deadline to Mail Ballots

- **For all Other Voters (not Military or Overseas):**
 - EV Clerk must mail the balloting materials not later than the 7th day after the later of:
 - the date the EV Clerk has accepted a voter's application for a ballot by mail; OR
 - the date the ballots become available for mailing.
 - However, if the 7th day falls earlier than the 37th day before election day, the voter's mail ballot must be mailed no later than the 30th day before election day. (Sec. 86.004(a)).
 - This means that for every application that comes in before the 37th day before election day, the balloting materials must be mailed by the 30th day before election day. Any application that comes in after the 37th day before election day will follow the 7-day timeline in Sec. 86.004.
 - Mailing the ballots continues on a rolling basis as ABBMs come in and are processed



Rejecting an ABBM

- Mail/otherwise deliver a “Notice of Rejected Application for Ballot By Mail” (AW5-16)
 - If a defective application to vote early by mail is received on or before the 18th day before election day, the early voting clerk must mail the applicant a new application with an explanation of defects and instructions for submitting the new application. For defective applications received after this date and before the end of early voting by personal appearance, the early voting clerk must mail only the Notice of Rejected Application for Ballot by Mail and a statement that the voter is not entitled to vote early by mail unless he or she submits a sufficient application by the deadline
 - The 18th day before election day is Friday, October 15, 2021 for the November 2, 2021 election
- Keep rejected application in file & attach copy of rejection notice

Secs. 84.007 and 86.008, Texas Election Code



ABBM Transparency and Public Information

- A copy of an ABBM, including the Annual ABBM, is not available for public inspection (except to the voter whose application it is) until the first business day after the election day of the **EARLIEST** occurring election (rather than latest) for which the application is submitted. (Sec. 86.014(a), as amended).
 - So it's available after the first election, rather than the last.
 - Originals of any ABBMs and Carrier Envelopes are not available for public inspection until those materials are delivered to the custodian after the election. (Sec. 86.014(b)).
- **Early Voting Rosters**
 - Information on the early voting roster for a person to whom a ballot has been mailed is not available until the 1st business day after election day. [Sec. 87.121(f)]
 - Except to a voter seeking to verify the accuracy of his or her own ballot by mail. [Sec. 87.121(f)]
 - Except - name of a voter who voted by mail is available no later than the day following the day the early voting clerk receives the ballot. [Sec. 87.121(h)]



Questions?

elections@sos.texas.gov

